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**Testimony of the Center for Popular Democracy (CPD)
Submitted to the Committee on Labor and Public Employees, Connecticut General
Assembly
Representative Porter and Senator Kushner, Co-Chairs
March 8, 2022
Re: House Bill No. 5353
An Act Concerning a Fair Work Week Schedule**

Dear Representative Porter, Senator Kushner, and members of the Labor and Public Employees Committee,

On behalf of the Center for Popular Democracy (CPD), I write in support of HB 5353, An Act Concerning a Fair Work Week Schedule, to protect hourly workers in Connecticut's growing service sector.

CPD's Fair Workweek Initiative provides technical assistance to policymakers and enforcement staff on the development and enforcement of fair workweek policy, including laws in San Francisco, Seattle, Emeryville and San Jose CA, New York City, Philadelphia, Chicago, and the state of Oregon. We have deep expertise in the industries where unstable work hours are most prevalent, including the business models that have generated these practices and the impact on workers and their families.

Just-in-time scheduling is the practice of publishing work schedules just days in advance and tweaking those schedules until the last minute, in an attempt to precisely calibrate staffing to match expected demand. For over 325,000 Connecticut residents who work in the retail, food service, hospitality and nursing care, where just-in-time scheduling is pervasive, this practice means unstable hours that make it **impossible for workers to plan their lives**.¹ In the last academic study of Connecticut retail and food service workers research found that:²

- 56% receive their schedules with less than 2 weeks' notice; 25% with less than a week's notice.
- Although employers portray work hours as flexible to meet the varying needs of parents, students, and workers with second jobs, academic survey data tells a different story:

¹ U.S. Census Bureau, "Industry by Sex for the Civilian Employed Population 16 Years and Over" 2013-2017 American Community Survey 5-Year Estimates, Connecticut. March 2018; US Bureau of Labor Statistics, "Employment of Nursing Assistants by State, May 2016."

² All Connecticut data is from Daniel Schneider & Kristen Harknett, *Working in the Service Sector in Connecticut*, Institute for Research on Labor and Employment at the University of California, Berkeley, March 2018. Available at <https://shift.berkeley.edu/working-in-the-service-sector-in-connecticut/>

- Only 15% of hourly service-sector workers in Connecticut have control over their work hours. **Half of the workers surveyed have no input into their work schedules**, which are decided unilaterally by their employers.
- 66% of workers keep their schedules open and available in case their employer needs them for work.
- 74% of workers want a more predictable schedule.
- 72% of workers report that their work hours conflict with their caregiving obligations.

Companies that rely on just-in-time scheduling require managers to spread work among many part-time employees so that they can “flex up” during times of increased demand.³ This pervasive part-timing undermines families’ economic security:

- 88% of CT service workers are part-time, with 48% of employees receiving less than 30 hours a week. 17% of them work less than 20 hours.
- Among workers who typically work less than 30 hours a week, 64% want to work more hours – in other words, they are **underemployed**.
- Inadequate work hours, as well as the income volatility that accompanies large swings in work hours, keeps workers in poverty. Workers with unstable and inadequate hours are more likely to face **housing instability and hunger**.

Researchers have also documented that **children suffer when their parents work unstable hours**.⁴ Parents with last-minute schedules are much more likely to cobble together informal childcare or even leave their children unattended when the alternative is to risk termination. The children of parents facing last-minute changes to their work schedules are more likely to miss school. The stress of instability also causes psychological harm to kids, leading to a higher incidence of behavioral challenges. Moreover, these burdens do not fall equally on all workers. Due to discrimination by managers, people of color, especially **women of color, bear the brunt of schedule instability**.⁵

Fair Workweek legislation is a common-sense solution that preserves employers’ flexibility and management discretion while establishing basic standards that allow working families to thrive. When working people have schedules they can plan around, enough hours and income to pay their bills, a voice in when they’ll work, and healthy hours with time to rest, their families and communities – as well as the state’s economy – benefit.

The companies that would be covered by this Fair Workweek bill are already complying with similar laws elsewhere. Workforce management company Deputy, which provides technology

³ Susan Lambert (2008) “Passing the buck: Labor flexibility practices that transfer risk onto hourly workers.” *Human Relations* vol. 61(9), p. 1207.

⁴ Daniel Schneider and Kristen Harknett, *It’s About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality*, Institute for Research on Labor and Employment at the University of California, Berkeley, available at <https://shift.berkeley.edu/its-about-time-how-work-schedule-instability-matters-for-workers-families-and-racial-inequality/>.

⁵ *Id.*

that supports compliance with these laws, reports positive impacts of fair workweek compliance for their clients:

- Fair workweek laws generally result in a 14% increase in hours for workers.
- Absences and tardiness have gone down by over 30%.
- **Covered employers in fair workweek jurisdictions have seen a 3% decrease in labor costs.**⁶

Despite rapid and unprecedented changes in unemployment rates and employment levels over the course of the pandemic, academic evidence shows that scheduling practices did not change significantly. All across the country just-in-time scheduling continued to take a toll on working families, with women and workers of color bearing the costs of the all-too-common practice. Workers' reported similar rate of on-call shifts, cancelled shifts, shift timing changes, and "clopening" shifts. Significant majorities surveyed continued to want more work hours and wanted more stable and predictable schedules.⁷

Those trends have, however, a few exceptions. Evidence from two-years of study of Seattle's Secure Scheduling Ordinance showed significant changes in the lives of covered workers. It increased the share of workers knowing their schedules two weeks in advance, decreased the share reporting last minute shift changes without pay, increased worker satisfaction with their job, increased workers' overall happiness and sleep quality, and reduced their material hardship.⁸

As a national network of community organizations, we hear from our affiliates' members the impact that Fair Workweek legislation has had on their lives as they have been able to study, take care of their children, work second jobs, and be protected from some forms of arbitrary retaliation.

Indeed, workers who have been exercising their right to unionize at Starbucks have faced increasingly unexpected changes in their schedules in recent weeks. HB 5353 would go a long way to protect such workers.

Connecticut's leadership on the minimum wage, earned sick leave, and paid family leave shows a commitment to building an economy where working families can thrive. For hourly workers with unstable schedules, that vision will only be realized when this Legislature enacts a Fair Workweek.

Francisco Diez
Worker Justice Policy Advocate
Center for Popular Democracy

⁶ Communication from Krista Hardwick, legal counsel, Deputy, Jan. 28, 2020.

⁷ Elaine Zundl, Daniel Schneider, Kristen Harknett, and Evelyn Bellew. *Still Unstable: The Persistence of Schedule Uncertainty During the Pandemic*, Shift Project Research Brief. <https://shift.hks.harvard.edu/still-unstable>

⁸ Daniel Schneider, Kristen Harknett, and Veronique Irwin. *Seattle's Secure Scheduling Ordinance: Year 2 Worker Impact Report*, Shift Project Research Brief. <https://shift.hks.harvard.edu/seattles-secure-scheduling-ordinance-year-2-worker-impact-report/>